

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

TQ DELTA, LLC,	)	
	)	
Plaintiff,	)	
	)	C.A. No. 13-cv-1835-RGA
v.	)	
	)	
2WIRE, INC.,	)	
	)	
Defendant.	)	
	)	

**TQ DELTA’S MOTION TO STRIKE NEW DEFENSES  
BASED ON PURPORTED PRIOR ART DEVICES FOR FAMILY 6**

Pursuant to Fed. R. Civ. P. 16, 26, and 37, and the Court’s Final Scheduling Order, Plaintiff TQ Delta LLC (“TQ Delta”) moves to strike paragraphs 218-233, 236, 322-337, 424 (partial), and 1107-1217 of the Opening Expert Report of Dr. Krista Jacobsen on Invalidity of TQ Delta’s Family 6 Patents (“the Jacobsen Report”). These paragraphs include invalidity opinions that cite to and rely on two purported prior art products that were not previously disclosed by Defendant 2Wire, Inc. (“2Wire”) in its Final Invalidity Contentions. As set forth in more detail in TQ Delta’s accompanying Memorandum in Support, the Court should strike all reference to, and all invalidity defenses based on, the two previously undisclosed products, and preclude 2Wire and its expert, Dr. Jacobsen, from relying on those products for any reason at trial.

**The Parties’ Meet-and-Confer**

TQ Delta certifies that it has made a reasonable effort to resolve this issue before filing this motion. On August 10, 2020, counsel for TQ Delta and 2Wire, including both parties’ respective local counsel, met and conferred to discuss the impropriety of Dr. Jacobsen’s reliance on the

previously undisclosed purported prior art products, but Counsel for the parties could not reach resolution.

Dated: August 20, 2020

Respectfully submitted,

FARNAN LLP

/s/ Michael J. Farnan

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